

REMARKS

Claims 27-30 are pending in the application. Claims 27-30 have been amended. Claims 1-9 have been cancelled. No new matter has been added by way of the above amendments.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Issues under 35 U.S.C. §112, first paragraph

The Examiner has rejected claims 7, 8 and 30, as lacking a written description in the specification. Applicants traverse and submit that claims 7 and 8 have been cancelled. Thus, the portion of the rejection dealing with claim 7 is moot.

In the outstanding Office Action, the Examiner has questioned the basis of the support for the claim amendments made in the previous response. In particular, the Examiner states that Figure 15 does not provide support for the claim amendments. The Examiner raises several issues regarding the scope of the previously presented claims. The Examiner states “methods of producing such a MANF2 peptide or one consisting of amino acids 27-187 is new matter as the specification does not contemplate use of any nucleotide except SEQ ID NO:1.”

However, Applicants point out that in Example 6 at pages 65-66, the present specification supports use of the mature protein MANF2 (i.e., amino acids 27-187 of MANF2). The Examiner is respectfully requested to review this portion of the specification.

The Examiner additionally states that the specification does not support where a polynucleotide encoding MANF2 27-187 is introduced into cells. Also, the Examiner questions the support for claims directed to a method of producing a polypeptide comprising or consisting of amino acids 27-187 by use of a polynucleotide encoding the polypeptide.

Moving this application forward, Applicants note that in Example 6 of the specification the signal sequence is cleaved between amino acids 26 and 27 to produce a polypeptide comprising or consisting of amino acids 27-187. Accordingly, claim 30 has been amended to reflect that a cleavage step is necessary to achieve the polypeptide consisting of amino acids 27-187. Applicants note that in claim 29, where the claim is directed to the production of the entire sequence of SEQ ID NO: 2, the cleavage step is unnecessary.

In view of the above, Applicants respectfully submit that the presently pending claims fully satisfy the requirements of 35 U.S.C. § 112, first paragraph. The Examiner is therefore requested to withdraw this rejection.

Double Patenting Issue

The Examiner has provisionally rejected claims 27 and 29 under 35 U.S.C. §101 as claiming the same subject matter as claims 7 and 8 of copending Application No. 11/330,359. Applicants respectfully traverse.

Since this rejection is a provisional rejection, Applicants request that the Examiner withdraw the rejection in the present application and apply it in the copending application if necessary. Additionally, with respect to claim 29 Applicants point out that the above amendment renders this rejection moot.

Allowable Subject Matter

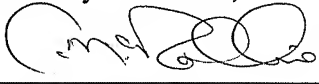
The Examiner has objected to claim 28 as being dependent upon a rejected base claim, but otherwise allowable. Applicants have placed claim 28 into independent format. Additionally, in view of the above, all other pending claims are in condition for allowance. The Examiner is therefore requested to withdraw all rejections and allow the currently pending claims.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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